

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 3959 OF 2006

DATED: 17.03.2006

Between:

G.V.V. Ramana

... Petitioner

and

The Commissioner of Prohibition and

Excise, Government of A.P., Hyderabad and

others

... Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 3959 OF 2006

ORAL ORDER:

The writ petition is misconceived.

The petitioner is an IL-17 licensee in Ward No.17, J. Ramaraopeta, Kakinada. The 4th respondent is an IL-24 licensee of Ward No.16, Kakinada who is alleged to have established his retail vending in a premises in Ward No.17. On noticing this, the 3rd respondent issued a notice dated 16.9.2005 calling upon the 4th respondent to shift his premises from Ward No.17 to a suitable premises in Ward No.16 of the Kakinada Municipal Corporation. Aggrieved thereby, the 4th respondent preferred an appeal to the 2nd respondent which was rejected by the 2nd respondent, by the order dated 31.12.2005. Thereby the 4th respondent was required to shift his premises from Ward No.17 to Ward no.16.

According to the petitioner, the 4th respondent continues in Ward No.17 to the commercial detriment of the petitioner's business as people are not attending his bar as they avail the illegal service from the 4th respondent. This is the commercial conflict between the petitioner and the 4th respondent. The petitioner also states that it was his complaint to the 3rd respondent which triggered the direction by the 3rd respondent to the 4th respondent to shift his premises. The petitioner has therefore come to this court for a direction to the 3rd respondent to effectuate his own order dated 16.9.2005.

This court is not an executing forum for the orders of the Excise Superintendent, Kakinada. If the 3rd respondent has failed to execute his own administrative order directing the 4th respondent to shift his premises, the

appropriate remedy for the petitioner is to lodge a complaint to the 1st respondent.

The petitioner has made the 1st respondent a party to this writ petition without seeking any relief against the said respondent and without making any complaint to the said respondent either.

For the aforesaid reasons, the writ petition is dismissed. The petitioner may pursue his own remedies. No order as to costs.

GODA RAGHURAM, J

Date: 17.03.2006

cvm